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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,199	08/29/2001	Mark S. Anvick	Y01-040	6969

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EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/25/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,199

Applicant(s)

ANVICK, MARK S.

Examiner

Ryan M Flandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the first page of the specification is not numbered. In accordance with 37 CFR 1.52(b)(5), the pages of the specification including claims and abstract must be numbered consecutively, **starting with 1**, the numbers being centrally located above or preferably, below, the text. See MPEP 608.01.

Appropriate correction is required.

2. Applicant should note that the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper."

Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the phrase "...which tab a thickness..." in line 12 of the claim is unclear. For examination purposes, the Examiner has read the limitation as -said tab having a thickness-. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites the limitation “that is exposed” at line 5 of the claim and the limitation “and that has a depth” at line 6 of the claim. It is unclear whether these limitations are referring to the cavity in line 4 or the contour in line 5.

b. Claims 6 and 12 recite the limitation “that comprises a cavity” in line 3 of each claim. It is unclear whether the phrase is meant to limit the first member, the first and second opposed surfaces, or the first predetermined thickness. For purposes of examination, the Examiner has read the phrase as -said first member comprising a cavity-. Claims 6 and 12 also recite the limitation “that is exposed” at line 4 of the claim (2X) and the limitation “and that has a depth” at line 5 of each claim. It is unclear whether these limitations are referring to the cavity in line 3 or the contour in line 4.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Grisley (US 5,114,265).

a. Claim 1. Grisley shows, in figures 4 and 5, a first member **13** having a predetermined shape, first and second opposed surfaces, and a first predetermined thickness. Grisley further shows a cavity **24** formed in the first member **13** that has a predetermined inner partially curved contour, that is exposed at the first surface of the first member **13** and along a portion of an edge of the first member **13**, and that has a depth that extends a predetermined distance below the first surface, and wherein the depth of the cavity **24** is a predetermined portion of the thickness of the first member **13** (see figure 8; column 4 lines 28-34). Grisley further shows a second member **12** having a predetermined shape, first and second opposed surfaces, and a second predetermined thickness, and having a tab **22** with an outer partially curved contour that substantially matches the inner contour of the cavity **24** in the first member **13** so that the tab **22** fits within the cavity **24** (see figures 4 and 5; column 4 lines 35-38), and [said tab **24** having a thickness] that substantially matches the depth of the cavity **24** formed in the first member **13**.

b. Claim 6. Grisley shows, in figures 4 and 5, a first member **13** having a predetermined shape, first and second opposed surfaces, and a first predetermined thickness that comprises a cavity **24** having a predetermined inner contour, that is exposed at the first surface, that is

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exposed along a portion of an edge of the first member **13**, and that has a depth that extends a predetermined distance below the first surface (see figures 4 and 5). Grisley further shows a second member **12** having a predetermined shape, first and second opposed surfaces, and a second predetermined thickness, that comprises a tab **22** with an outer contour that substantially matches the inner contour of the cavity **24** and that fits within the cavity **24** (see figures 4 and 5; column 4 lines 35-38).

c. Claim 12. Grisley shows, in figures 4 and 5, a first member **13** having a predetermined shape, first and second opposed surfaces, and a first predetermined thickness that comprises a cavity **24** having a predetermined inner partially curved contour, that is exposed at the first surface, that is exposed along a portion of an edge of the first member **13**, and that has a depth that extends a predetermined distance below the first surface (see figures 4 and 5). Grisley further shows a second member **12** having a predetermined shape, first and second opposed surfaces, and a second predetermined thickness, that comprises a tab **22** with an outer partially curved contour that substantially matches the inner partially curved contour of the cavity **24** and that fits within the cavity **24** (see figures 4 and 5; column 4 lines 35-38).

d. Claims 2, 8, and 14. Grisley further shows that the thicknesses of the first and second members **13**, **12** (respectively) are substantially the same (see figures 4 and 5).

e. Claims 7 and 13. Grisley further shows that the depth of the cavity **24** and the thickness of the tab **22** are substantially the same (see figures 4 and 5).

f. Claims 3 and 9. Grisley further shows the inner contour of the cavity **24** and the outer contour of the tab **22** are sized to allow a glue to be disposed therebetween.

g. Claims 4 and 16. Grisley also discloses that the inner partially curved contour of the cavity **24** and the outer partially curved contour of the tab **22** have the shape of a piece of a puzzle (see figures 4 and 5; column 3 lines 63-64).

h. Claim 10. Grisley also discloses that the inner contour of the cavity **24** and the outer contour of the tab **22** have the shape of a piece of a puzzle (see figures 4 and 5; column 3 lines 63-64).

i. Claims 5 and 17. Grisley also shows that the inner partially curved contour of the cavity **24** and the outer partially curved contour of the tab **22** have the shape of a molar tooth (see figures 4 and 5).

j. Claim 11. Grisley also shows that the inner contour of the cavity **24** and the outer contour of the tab **22** have the shape of a molar tooth (see figures 4 and 5).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to puzzle joint systems:

U.S. Patent 6,076,575 to Harkness

U.S. Patent 5,682,935 to Bustamante

U.S. Patent 5,588,726 to Lee

U.S. Patent 4,875,510 to Muellers

U.S. Patent 4,809,755 to Pontikas

U.S. Patent 4,025,215 to Murdock et al

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ryan M. Flandro
September 20, 2002



Greg Binda
Primary Patent Examiner
Technology Center 3670